STATUTORY INSTRUMENTS

2018 No. 220

LEGAL AID AND ADVICE, ENGLAND AND WALES

The Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018

Made - - - -	*20th February 2018*
Laid before Parliament	*23rd February 2018*
Coming into force - -	*1st April 2018*

The Lord Chancellor makes these Regulations in exercise of the powers conferred by sections 2(3) and 41(1) to (3) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(**1**).

PART 1

Preliminary

Citation and commencement

1. These Regulations may be cited as the Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018 and come into force on 1st April 2018.

PART 2

Amendment of the Criminal Legal Aid (Remuneration) Regulations 2013

Introductory

2. The Criminal Legal Aid (Remuneration) Regulations 2013(**2**) are amended in accordance with this Part.

(**1**) 2012 c.10.
(**2**) S.I. 2013/435, as amended by S.I. 2014/2422, 2015/325, 2015/882 and 2015/1678.

Amendment of regulation 2 (interpretation)

3. In regulation 2(1), in the appropriate places, insert—

""AGFS Banding Document" means version 1.1 (February 2018) of the document called "Banding of Offences in the Advocates' Graduated Fee Scheme (AGFS)", published by the Ministry of Justice(**3**);";

""band" (in relation to a criminal offence) has the meaning given in paragraph 1(7) of Schedule 1;";

""Class" (in relation to a criminal offence) has the meaning given in paragraph 1(7) of Schedule 2;";

""LGFS Table of Offences" means the table in Part 7 of Schedule 2;";

""restriction order" has the meaning given in section 41 (power of higher courts to restrict discharge from hospital) of the Mental Health Act 1983(**4**);".

Amendment of regulation 21 (hardship payments)

4. In regulation 21(4)(a), for "Part 7 of Schedule 1" substitute "the LGFS Table of Offences".

Amendment of regulation 28 (redetermination of fees by appropriate officer)

5.—(1) Regulation 28 is amended as follows.

(2) In paragraph (1)(b)(iii), omit "(reclassification of an offence not specifically listed in the relevant Table of Offences and so deemed to fall within Class H)".

(3) In paragraph (1)(c)(ii), omit "(reclassification of an offence not specifically listed in the relevant Table of Offences and so deemed to fall within Class H)".

(4) For paragraph (7)(b), substitute—

"(b) confirm—

(i) in the case of a redetermination requested by an advocate, the banding of the offence within band 17.1; or

(ii) in the case of a redetermination requested by a litigator, the classification of the offence within Class H; or".

(5) In paragraph (7)(c), before "reclassify" insert "re-band or".

Amendment of Schedule 1 (advocates' graduated fee scheme)

6. Schedule 1 is amended as follows.

7. In paragraph 1 (interpretation)—

(a) in sub-paragraph (1), in the definition of "standard appearance"—

(i) omit paragraph (a);

(ii) omit paragraph (ba);

(iii) omit paragraph (h);

(b) for sub-paragraph (7), substitute—

(**3**) A copy of the AGFS Banding Document can be obtained from the Legal Aid Policy Team, Access to Justice Directorate, Justice and Courts Policy Group, Ministry of Justice, 102 Petty France, London SW1H 9AJ.

(**4**) 1983 c.20. Section 41 was amended by section 1 of, and Schedule 1 to, the Mental Health (Patients in the Community) Act 1995 (c.52); section 49 of the Crime (Sentences) Act 1997 (c.43); sections 10, 32, 40 and 55 of, and Schedules 3 and 11 to, the Mental Health Act 2007 (c.12); and S.I. 2008/2833.

"(7) A reference in this Schedule to a "band" is to the band of the offence concerned set out in Table B in the AGFS Banding Document, as read in conjunction with Table A in that document.

(8) Where the band within which an offence described in Table B in the AGFS Banding Document falls depends on the facts of the case, the band within which the offence falls is to be determined by reference to Table A in that document.".

8.—(1) Paragraph 3 (class of offences) is amended as follows.

(2) For the heading, substitute "Bands of Offences".

(3) In sub-paragraph (1)—

(a) in paragraph (a)—

(i) for "Class under which it is listed in the Table of Offences" substitute "band of that offence set out in the AGFS Banding Document";

(ii) for "Class H" substitute "band 17.1";

(b) in paragraph (b), for "Class" substitute "band";

(c) in paragraph (c)—

(i) for "Table of Offences" substitute "AGFS Banding Document";

(ii) for "Class" substitute "band";

(iii) after "value", in both places where the word occurs, insert ", amount or weight";

(d) in paragraph (d)—

(i) for "Class" substitute "band";

(ii) after "value", in each place where the word occurs, insert ", amount or weight";

(e) in paragraph (e), for "Table of Offences" substitute "AGFS Banding Document";

(f) in paragraph (f)—

(i) for the first mention of "Class" substitute "band";

(ii) for "Class D" substitute "band 5.3";

(g) for paragraph (g), substitute—

"(g) where in a case on indictment a restriction order is made, the offence is to be treated as if it falls within band 1.3, regardless of the band within which the offence would fall within the AGFS Banding Document but for this paragraph.".

(4) In sub-paragraph (2), for—

(a) "classification within Class H" substitute "banding within band 17.1";

(b) for "Table of Offences" substitute "AGFS Banding Document";

(c) "reclassify" substitute "re-band".

(5) In sub-paragraph (3), for—

(a) "classification" substitute "banding";

(b) "Class H" substitute "band 17.1";

(c) "reclassify" substitute "re-band".

9. In paragraph 4 (calculation of graduated fees)—

(a) omit "lasting one to 40 days";

(b) for the formula to the end of that paragraph, substitute—

$$GF = BF + (D \times DAF)$$

where—

GF is the amount of the graduated fee;

BF is the basic fee specified as appropriate to the band of the offence for which the assisted person is tried and the category of trial advocate (see paragraph 5);

D is the number of days or parts of a day on which the advocate attends at court by which the trial exceeds 1 day;

DAF is the fee payable in respect of daily attendance at court for the number of days by which the trial exceeds 1 day, as appropriate to the band of the offence for which the assisted person is tried and the category of trial advocate (see paragraph 5A).".

10. For paragraph 5 (table of fees), substitute—

"**Basic fees**

5. For the purposes of paragraph 4, in relation to the offence concerned, the basic fee is the amount set out in the table following this paragraph which corresponds with the band within which that offence falls (as set out in column (1) of the table) and the category of the advocate concerned (as set out in columns (2) to (4) of the table).

(1) Band of offence	*Amount of basic fee per category of trial advocate*			
	(2) Junior Alone or Led Junior	*(3) Leading Junior*	*(4) Queen's Counsel*	
1.1	£8,500	£12,750	£17,000	
1.2	£4,250	£6,375	£8,500	
1.3	£2,550	£3,825	£5,100	
1.4	£2,125	£3,190	£4,250	
2.1	£8,500	£12,750	£17,000	
2.2	£2,550	£3,825	£5,100	
3.1	£3,500	£5,250	£7,000	
3.2	£2,000	£3,000	£4,000	
3.3	£1,000	£1,500	£2,000	
3.4	£750	£1,125	£1,500	
3.5	£600	£900	£1,200	
4.1	£2,000	£3,000	£4,000	
4.2	£1,400	£2,100	£2,800	
4.3	£1,000	£1,500	£2,000	
5.1	£1,800	£2,700	£3,600	
5.2	£1,400	£2,100	£2,800	
5.3	£1,000	£1,500	£2,000	

(1) Band of offence	*Amount of basic fee per category of trial advocate*		
	(2) Junior Alone or Led Junior	*(3) Leading Junior*	*(4) Queen's Counsel*
6.1	£8,000	£12,000	£16,000
6.2	£5,000	£7,500	£10,000
6.3	£2,000	£3,000	£4,000
6.4	£750	£1,125	£1,500
6.5	£650	£975	£1,300
7.1	£1,400	£2,100	£2,800
7.2	£800	£1,200	£1,600
7.3	£750	£1,125	£1,500
8.1	£1,200	£1,800	£2,400
9.1	£5,000	£7,500	£10,000
9.2	£4,000	£6,000	£8,000
9.3	£3,000	£4,500	£6,000
9.4	£2,000	£3,000	£4,000
9.5	£1,600	£2,400	£3,200
9.6	£1,200	£1,800	£2,400
9.7	£800	£1,200	£1,600
10.1	£2,200	£3,300	£4,400
11.1	£1,200	£1,800	£2,400
11.2	£675	£1,015	£1,350
12.1	£2,000	£3,000	£4,000
12.2	£1,200	£1,800	£2,400
12.3	£800	£1,200	£1,600
13.1	£1,300	£1,950	£2,600
14.1	£1,500	£2,250	£3,000
15.1	£1,400	£2,100	£2,800
15.2	£750	£1,125	£1,500
15.3	£600	£900	£1,200
16.1	£2,200	£3,300	£4,400
16.2	£1,600	£2,400	£3,200
16.3	£1,000	£1,500	£2,000
17.1	£550	£825	£1,100